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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,975	03/08/2001	Bjoern Magnussen	ELLIP-003A	2164

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06/03/2002

Siemens Corporation  
Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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BUDD, MARK OSBORNE

ART UNIT	PAPER NUMBER
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2834

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DATE MAILED: 06/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

860 975

Applicant(s)

Magnusen & d

Examiner

M. B. W.

Group Art Unit

2834

KE

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 2, 4, 6-18 is/are rejected.
- ☒ Claim(s) 3, 5, 19 and 20 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4(9-21-01) and 5(3-14-02)
- ☒ Notice of References Cited, PTO-892
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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Claims 7-14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are vague and indefinite in that "the mechanical resonator" (claim 7, line 2) has no proper antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-10, 15, 16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Motegi, Morizaki or Okuno in view of Yarinaga, Isayama or Mason.

Okuno (fig 9), Morizaki (figs 5&10) and Motegi (fig 2) teach the piezo-electric motor driven by a switch and an inductor which forms an L-C resonant circuit with the piezo-electric element. Note that the traveling wave <sup>generate</sup>~~generate~~ on the resonant <sup>stator</sup>~~status~~ surface uses <sup>elliptical</sup>~~chiptical~~ motion against the rotor to create the drive force. The references don't explicitly teach placing the drive circuitry on the piezo element or a common support with the piezo element. However, each of Yarinaga, Isayama and Mason teach such placement of circuitry to reduce transmission losses. Thus for at least this reason it would have been obvious to one of ordinary skill in the art to place circuit elements either on or near the piezo-electric elements of Motegi, Morizaki or Okono.

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Claim 13, 14 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Okuno in view of Mason, Yoronaga or Isayama.

The teachings and motivation to combine these references is the same as noted in the preceding rejection of claim 1.

Claims 3, 5, 19 and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Further cited of interest are Takano (reversing via frequency change), Takano (figs 1, 2 and 13) and Durr (figs 3 & 4).

M BUDD/pj

05/30/02

MARK O. BUDD  
PRIMARY EXAMINER  
ART UNIT 212